

SENATE ENVIRONMENT, CONSERVATION & TOURISM COMMITTEE

Amendment No. 1 to SB0581

Ramsey
Signature of Sponsor

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 581*

House Bill No. 840

by deleting everything following the enactment clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 11, Chapter 3, is amended by adding Sections 2 through 10 as a new Part 4.

SECTION 2. This Act shall be known and may be cited as the "The State Resort Parks Management Enterprise Act of 2001".

SECTION 3. As used in this Act, these terms are defined as follows.

"Resort park operations" shall mean the following facilities at state parks:
inns, cabins, restaurants, golf courses, gift shops, marinas, snack bars,
and vending machines.

SECTION 4.

(a) The General Assembly finds that there is a need to restructure the state resort park operations so that they operate like a business. Under the current system, personnel and purchasing costs are substantially out of line with the hotel and restaurant industry. Unless structural changes are made, the resort parks system will need increasing appropriations over the next several years. The changes made in this bill are done with the intent to keep the operation of these facilities under the state government, but with less reliance on state appropriations. The General Assembly also finds that the structure provided in this Act is preferable to privatization of these public resources.

(b) The purpose of this Act is to create a new structure for state resort park operations that will enable the state to continue to provide high quality services at these facilities with decreased state appropriation through allowing

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these operations to function as much as possible like a business while remaining a state agency. The state resort park operations enterprise shall not be subject to the following laws as they are now and as they may be amended in the future, or the rules, policies and procedures thereunder: Title 8, Chapter 30; Title 12; provided however that the enterprise may purchase goods pursuant to a state contract if it is determined to be in the best interest of the enterprise. The state resort park operations shall not be subject to the provisions of Title 71, Chapter 4 that give preference in the management of state vending machines, cafeterias or restaurants operations to blind or handicapped persons. The enterprise should pursue its mission in accordance with the principles of free enterprise.

(c) At the point in time that the state resort park operations enterprise ceases to receive state appropriations, it shall cease to be subject to Title 9, Chapter 4 of the Tennessee Code as it is now and as it may be amended in the future, or the rules, policies and procedures thereunder.

(d) The state resort park operations enterprise created by this Act has authority only over the retail operations defined in section 4 as resort park operations that are located in any state park. The enterprise does not have authority over any other operations or other employees of state parks; these continue to be under the authority of the commissioner of the department of environment and conservation.

SECTION 5.

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(a) An independent and separate state agency for the resort operations at Tennessee's state parks is hereby created, to be known as the Tennessee State Resort Park Operations Enterprise, attached to the department of environment and conservation for administrative purposes. The enterprise shall be governed by a board of directors to consist of:

(1) the commissioner of the department of environment and conservation,

(2) the commissioner of the department of finance and administration or a designee,

(3) the assistant commissioner of the department of environment and conservation over state parks,

(4) the Treasurer or a designee,

(5) three members to be appointed by the governor who have experience and/or expertise in the areas of hotel or restaurant management and each of whom reside in different grand divisions of the state, and

(6) two members, one of whom to be appointed by the speaker of the House of Representatives and one by the speaker of the Senate, from a list composed of the nominations received from any Tennessee environmental, conservation, or parks organization; provided that each organization may only submit one nomination.

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(b) The appointed members of the board shall serve four-year terms except that:

(1) two of the initial appointees under subsection (a) (5) shall serve a one-year term and the third shall serve a two-year term; and

(2) one of the initial appointees under subsection (a) (6) shall serve a three-year term and the other shall serve a four-year term.

All appointed members shall continue to serve on the board until a successor is appointed. The terms of all new members shall begin July 1 of the year in which such appointments are made.

(c) The members of the board of directors shall receive no compensation for their services as members of the board, except that they shall be paid their actual and necessary travel expenses for all regularly scheduled and any called meetings. They shall also be paid their actual and necessary travel expenses for attending to other enterprise business as approved by the chair and subject to written policies adopted by the board for such expenses.

(d) The board shall elect a chair, a vice chair and a secretary. The chair and vice-chair shall be members of the board. The secretary may or may not be a member of the board. These officers shall be elected for a period of one (1) year. After organization, the board shall hold regular meetings and may hold special called meetings at such times and places as it shall elect, for which their expenses shall be paid as provided herein.

(e) Five (5) voting members of the board shall constitute a quorum.

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(f) Vacancies for an unexpired term of an appointed member of the board may be filled by the appointing authority in the manner outlined herein.

(g) The chairman of the House Conservation and Environment Committee and the chairman of the Senate Environment, Conservation and Tourism Committee or their designees shall serve as non-voting, advisors to the board and act as liaisons to the General Assembly.

SECTION 6. The board of directors of the Tennessee state resort park operations enterprise is directed and authorized to perform the following duties:

- (a) Appoint and dismiss the executive director;
- (b) Set policy for all of the state resort park operations including setting rates and charges;
- (c) Adopt an annual budget for the state resort park operations;
- (d) Contract for goods and services and enter into leases;
- (e) Accept grants, funds and other assistance from any and all governmental agencies, private agencies and individuals and to spend these on behalf of the enterprise operations;
- (f) Take such other actions as are necessary to effectively carry out its mission as defined in this Act;
- (g) Enter into contracts and cooperative agreements with state, federal and local governments, with agencies of such governments, with private individuals and corporations, and with associations and organizations as the

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enterprise board may deem necessary or convenient to enable it to carry out the purposes of this part;

(h) Delegate to the executive director and to such committees or subcommittees as it may create such authority as it deems proper;

(i) Coordinate closely with the department of environment and conservation and assistant commissioner over state parks and park managers on matters of planning and on any issues that affect the park at which resort operations are located or the state park system in general;

(j) Advise the Commissioner of the department of environment and conservation on any necessary rules and regulations concerning resort park operations that, in its view, the Commissioner should adopt pursuant to Title 4, Chapter 5; provided however, that nothing in this Act shall be construed to require that rates or charges at resort park operations must be promulgated as rules;

(k) Establish the salary of the executive director and all other employees of the state resort park operations enterprise; and

(l) Submit an annual report to the General Assembly by February 1 of each year on the operations of the enterprise, including, without limitation, the financial condition of the enterprise.

SECTION 7.

(a) Notwithstanding any provision of law to the contrary, the Tennessee state resort park operations enterprise has the authority to cause to be

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purchased and to develop the method for purchasing without the approval of any other agency of state government, raw materials, merchandise for resale, supplies, services, including personnel, and equipment necessary for the providing of quality services at the state resort park operations.

(b) It is the responsibility of the board of the enterprise to develop policies and procedures to ensure, to the extent practicable, that purchases made on behalf of resort park operations are at the lowest possible price while at the same time ensuring quality and timely delivery. The board shall file such policies and procedures with the board of standards for the board's review.

(c) The board has the authority to purchase supplies, services and equipment through the department of general services and is encouraged to exercise the option to purchase through the department under the provisions of Title 12, Chapter 3, in circumstances which are advantageous for the timely delivery of low cost, quality products.

SECTION 8.

(a) The board is authorized to employ and fix the compensation, working conditions, and benefits of employees, as may be necessary for the efficient management and operation of the enterprise and its facilities. Such persons shall continue in the employment of the enterprise at the will and pleasure of the board of directors.

(b) The board shall develop a system of compensation that rewards employees who are deserving of it.

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(c) Notwithstanding the provisions of this Act to the contrary, persons who are full time regular employees, as defined by Tennessee Code .Annotated, Section 8-30-101, at state resort park operations on June 30, 2001, shall have the option of continuing to be covered by and compensated in accordance with the career service provisions of the state civil service system and/or the state retirement system. However, if at any time such employees choose not to be career service employees in the civil service system, they shall not have the options afforded by Tennessee Code .Annotated, Sections 8-30-208(f) and (g).

SECTION 9.

(a) There is created a special agency account in the state general fund to be known as the "state resort park operations enterprise fund," hereinafter referred to in this part as the "fund."

(b) Any unencumbered moneys and any unexpended balance remaining in the fund at the end of a fiscal year shall be carried forward into the subsequent fiscal year and shall not revert to the general fund. Interest accruing on investments and deposits of the fund shall be carried forward into the subsequent fiscal year.

(c) All state appropriations and all revenues received from the state resort park operations shall be deposited into the fund. Any other moneys received by the state resort park operations enterprise may also be deposited into the fund.

(d) Moneys in the fund may be expended for the benefit of resort park operations or for any state park operations. Any capital project at resort park

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operations requiring the issuance of bonds shall be authorized by the General Assembly and approved by the state building commission.

SECTION 10. Title VI of the 1964 Civil Rights Act and regulations promulgated thereunder shall apply to actions of the enterprise in the same manner and to the same extent as they apply to the department of environment and conservation.

SECTION 11. Tennessee Code Annotated, Section 4-29-224(a), is amended by adding a new item thereto, as follows:

() State Resort Parks Operations Enterprise, created by Section 5 of this Act;

SECTION 12. For the purpose of promulgating rules and regulations and appointing board members, this Act shall take effect upon becoming law, the public welfare requiring it. For all other purposes, this Act shall take effect July 1, 2001, the public welfare requiring it.